Secrt. II-27—38,000—30-10-37.

Home (1938) Department.

27

Ms. SERIES.

G.O. No. 3793.

DATED 2nd August. 1938

[Despatch Abstract.]

LOTTERY--The Shanthi Raffle, Kurady--South Kanara District--Messrs. Vasudeva Kalkura and H.R. Kamath--Prosecution--Sanctioned.

1 17 House Lig

62/28/4

Endt. no. 14208 D1 dated. 28/4

cpd Mgr 28/4.

Lottery - The Shanthi Raffle, Kuvaby (South Kanara)

The enclosed literature relating to the Shanti Raffle in aid of the Shantaniketana Higher Elementary school, Kuvaby is forwarded to the D.M South Kanara for necessary action and Report.

Pl. 1-15 C.J.

Sent with Encl. Mgr 29/4/38

To

The D.M South Kanara. (Encl literature (B) (16 pages)

(R.R. after 3 weeks)

27/4/38

28/4

28/4.

Home Department.

REMINDER. _____ Branch.

To The District Magistrate, Nellore

I ~~have the honour to invite~~ am directed to invite attention to ~~invite~~ End. No. 14705/D1 dated 28.4.38 and to ~~to request that the~~ reply to it may ~~be expedited~~ request that this reminder may be returned at once with information as to—

~~(1) the stage at which the matter now is,~~

~~(2)~~ the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

Office Home Dept.

Station Ootacamund.

Dated 20.5.38.

Signature. [illegible]

Assistant Secretary to Govt.

Designation.

SUBJECT.

Lottery - Re Gaullu Reddi, Nuzvid - with remarks

18247 C.F.

REPLY.

To The Secretary to Govt. Home Department.

The matter is under Enquiry. A reply will be sent by the end of June 1938.

Dt. Magistrate

20.5.38.

Home Dept

HS

The S.P.'s interim report on [illegible] is for perusal (N.R. 20.6.38)

25.5.38.

Ref.C1-1796-M-38. South Kanara Dt.Magistrate's office,
Camp, Udipi, dated 7th June 1938.

From

Sri Rao Bahadur M.V.Vellodi, B.A.,
Dt. Magistrate of South Kanara.

To

The Secretary to Government,
Home Department,
M a d r a s.

Sir,

Lottery - The Shanthi Raffle, Kuradi -Udipi Taluk - South Kanara District -report.

Government endorsement No. 14708 D-1 dated 28-4-38.

*****

An enquiry in this matter was held by the Inspector of Police, Udipi. The enquiry shows that the lottery is conducted in aid of the Shantiniketan Higher Elementary school, Kurady, in Hanehalli village, Udipi Taluk, by the Manager of the school. A regular monthly raffle is drawn by the Manager and such drawings are presided over by prominent persons as specified below.

Drawn on 13-1-38 - presided over by Sri B. Venkat Rao Baliga, B.A.,B.L., M.L.A., Advocate, Mangalore.

" 13-2-38 - " Sri B. Vasudeva Rao, Pleader, Udipi.

" 12-3-38 - " M.D. Oosman Saheb Bahadur, Pleader, Udipi.

" 12-4-38 - " Dr. P.G. Achar, Udipi.

The special day special was drawn on 2-5-38 when Mr. and Mrs. Karat and U. Gopalakrishna Rao were present.

2. Prizes are regularly awarded and the balance of collection is banked in the local Industrial Banking Syndicate, Ltd. Regular accounts are maintained but have not been audited. The Manager is said to pay an assessment of Rs. 200/-. The public in and round the village have no complaint. No swindling is so far suspected.

3. The lottery is not authorised by the Government.

5

4. The literature received with the Government memo is resubmitted.

Pp 1-15 auts.

For Dt. Magistrate. 8/6

8.6.38.

6

Home Dept.

Memo. No. 14708D-2 dt. 24/6/38

Lottery - The Shanthi Raffle, Kurady (South Kanara)
Ref: Correspondence ending with the letter from the D.M. South Kanara Ref: C1-1796-M-38 dated 7.6.38.

The D. M. South Kanara is requested to furnish the names of the promoters of the Shanthi Raffle and to state whether they kept an office or place for the purpose of drawing a lottery within the meaning of Section 294-A of the Indian Penal Code

2. The D.M. is also requested to ascertain and forward to Govt. the opinion of the local Public Prosecutor as to whether a prosecution in the case is likely to be successful.

~~Fg 3~~ 7

3. The Head-clerence that the letter of the D.M cited above ~~does not~~ gives no valid reason for permitting the Raffle, which is apparently a breach of the Criminal law, to continue unchecked.

Proof.

Hide keeps note on Proof.

20.6.38.

To The D.M. South Kanara.

(R. after 3 weeks)

21/6/38

C.F. 30.

HOME **DEPARTMENT.**

Received 14 JUL 1938 19.. *Registered* 24918D 14/7 19

Subject.

LOTTERY - Shanthi Raffle - Kuradi - Hanehalli village, Udipi Taluk - p22 auth

Government Memo.No.14708-D-2 dated 21.6.1938.

******

ENCLOSURES.
No.
Spare copies

Ref.Cl. No. 2365-M-38.

Station Mangalore, *Dated the* 12th July 1938. 19-

From (Name) Sri Rao Bahadur M. V. Vellodi, B.A.,

(Designation) District Magistrate of South Kanara.

To The Secretary to the Government of Madras,

Home Department,
MADRAS.

Sir,

The promoters of the raffle are (1) Sri Vasudeva Kalkura and (2) Sri H. R. Kamath. The raffle is drawn every month in the Shantinikethan Higher Elementary School at Kurady and this is the office used for the purposes of the lottery within the meaning of Section 294-A I.P.C.

2. I submit a copy of the opinion of the local Public Prosecutor. He states that there is a fair chance of successfully prosecuting the persons concerned in the raffle.

p21-22 unfor

3. I issued orders on 12.6.38 to the promoters of the raffle to stop it forthwith. In spite of this, they continued

~~5~~ 9

to sell tickets for the raffle to be drawn in July. I have since issued another warning to them on 30.6.38 and directed the Police to report if the promoters still persist in drawing the raffle.

For Dt. Magistrate.

1247

12.7.38.

From Sri K. Sadashiva Rao, B.A.,M.L., Public Prosecutor and Government Pleader, Mangalore.
To the District Magistrate of South Kanara.
Mangalore, dated 11.7.1938.
Ref.No.B.36/38.

*****

Lottery - The Shanti Raffle, Kuradi - Prosecution of promoters -

Ref:- Your letter Cl.2365-M-38 dated 9.7.1938.

****

Sri Vasudeva Kalkura is the Manager of a Village School at Kurady Brahmavar. For the avowed object of helping this institution he has been running a lottery monthly from July 1937 in the School premises. From one of the advertisement sheets, I find that the lottery to be drawn on 12th July 1938 is the 13th of the same series and 44,000 coupons of eight annas each of the total value of Rs.22,000-0-0 appear to have been issued. 6,600 prizes of the aggregate value of Rs.10,960-0-0 have been proclaimed. Each of these coupons is divided into four parts of two annas to enable so many as 176000 people to go in for this lottery. The advertisement sheets evidently issued by this manager are sent even outside the province of Madras. From one of the advertisement sheets it appears that there are agents at Hubli. One H.M.Abdul Hamid of Mudagire, Mysore state appears to have drawn the first prize of Rs.1,000-0-0 in the April lottery and one V.Phashurippa Marisyani of Meata Street Bellary appears to have drawn another prize. All this makes it clear that the Manager has made the running of the lottery a regular institution giving very wide publicity to the scheme, tapping a very large number of the public for the ostenisble aid of this village school. This lottery has not been authorised by the Government. The lottery is no doubt drawn in the presence of respectable persons in the School building. The manager says that he has put into the Canara Industrial and Banking Syndicate Ltd., Udipi, a sum of Rs.2,000-0-0 which he says is the only balance amount left after about twelve drawings deducting the ----- expenses incurred. There has been no audit of his accounts, as he says that one year has not elapsed.

11 ~~27~~

It should be very easy to prove on further investigation, that the manager has been keeping an office for the purpose of drawing lottery. The office is no doubt the School building, but when he is systematically drawing the lottery in the School he must be deemed to be keeping an office. The lottery has not been sanctioned by the Government and he was warned by the District Magistrate on 12.6.1938 but he is still going on with it.

The manager is also liable for the publication of this lottery under the second part of Section 294-A I.P.C. as he is advertising his lottery widely, by hand-bills, circulars and by using advertisement sheets got printed by him in Manipal Power Press, Udipi.

The two points urged by him are (1) that he is doing this without any fraud and (2) that the tickets are issued to members only. No doubt it is done openly and very respectable persons are made to attend the drawings. But the question of fraud is to be further investigated in seeing as to how much is collected for every drawing and as to how much is saved for the institution and as to where the other balance has gone. To say that after twelve drawings only a sum of Rs.2,000-0-0 is left is a matter which deserves a great deal of scrutiny. Even otherwise the question of fraud is only a circumstance to aggravate the offence and is not an essential element of the offence. The statement that it is issued only to members appears to be a pure device if possible to get out of the charge of publication to outsiders. But from the circumstances of the case I do not believe that these tickets would be issued only to persons who have contributed Rs.500-0-0 to the School having regard to the number of agents who are authorised to sell tickets.

In my opinion there is a fair chance of successfully prosecuting the persons concerned under Section 294-A. I.P.C. As it is a non-cognisable case the complaint will have to be lodged before a Magistrate requesting him to direct the Police

A

to investigate when ample material may be collected to successfully book the persons concerned. But the complaint must be made by order of or under the authority of the Local Government.

The records sent to me are herewith returned.

****

/True copy/

For Dt. Magistrate.

12/7/38.

13 50 27

25804 D

29/7

Urgent.

Ref.C1-2365-M/38. South Kanara Dt. Magistrate's Office,

Mangalore, 27th July 1938.

From

Sri Rao Bahadur L. V. Vellodi, B.A.,

Dt.Magistrate of South Kanara.

To

The Secretary to Government,

Home Department,

M a d r a s.

Sir,

Lottery - Shanti Raffle - Kuradi.

******

Bp 21-25 wts

My letter Ref.C1-2365-M/38. dated 12.7.1938 in reply to Government Memo.No.14708-D2, dated 21.6.1938.

******

I have since received reports from the police that the promoters held a drawing on 12.7.1938 inspite of the warnings conveyed to them. The police further report that the ------- promoters have taken steps to continue the lottery by changing the ticket to Shanti receipt from Shanti raffle. A sample of the ticket is enclosed.

R

Bp 30 wts

May I prosecute the promoters?

For Dt.Magistrate.

27.7.38

(Serial No. 14)

SHANTHI RECEIPT

IN AID OF SHANTHINIKETAN H. E. SCHOOL
KURADI BRAHMAVAR P. O., S. Kanara

PRIVATE FOR MEMBERS ONLY

TWO ANNAS PER PIECE

No 12353

For Charitable Donation

12th AUGUST 1938

SECRETARY

MANAGER

(Serial No. 14)

SHANTHI RECEIPT

2 IN AID OF SHANTHINIKETAN H. E. SCHOOL 2
KURADI BRAHMAVAR P. O., S Kanara

PRIVATE FOR MEMBERS ONLY

TWO ANNAS PER PIECE

No 12353

For Charitable Donation

12th AUGUST 1938

SECRETARY

MANAGER

(Serial No. 14)

SHANTHI RECEIPT

3 IN AID OF SHANTHINIKETAN H. E. SCHOOL 3
KURADI BRAHMAVAR P. O., S. Kanara

PRIVATE FOR MEMBERS ONLY

TWO ANNAS PER PIECE

No 12353

For Charitable Donation

12th AUGUST 1938

SECRETARY

MANAGER

(Serial No. 14)

SHANTHI RECEIPT

4 IN AID OF SHANTHINIKETAN H. E. SCHOOL 4
KURADI BRAHMAVAR P. O., S. Kanara

PRIVATE FOR MEMBERS ONLY

TWO ANNAS PER PIECE

No 12353

For Charitable Donation

12th AUGUST 1938

SECRETARY

MANAGER

15

Home Department.

Memo 14708 D-3 dated 16.8.38

Lotteries - Holding of - Prevention - Ref:- G.O. No. 993 Law (Genl) d. 20-3-1935

It has been brought to the notice of the Government that a lottery was conducted with much publicity for about a year without the D.M. concerned getting any report about it. The Government consider that the holding of the lottery could not have escaped notice for such a long period if ~~officers of the Police Department had been~~ (Criminally) vigilant in ~~the matter~~. The attention of the I.G. of Police, D.Ms and the Commr of Police is therefore drawn to the instructions in G.O. No. 993 Law (Genl) d. 20-3-1935 and they are requested to See that ~~arrange for the exercise of~~ greater vigilance in regard to detection and reporting of lotteries.

To the I.G. of Police
,, the Commr. of Police
,, all D.Ms

16/8/38

1578

15.8.38

GOVERNMENT OF MADRAS

H o m e D e p a r t m e n t

Memorandum No. 14708 D.3., Dated the 16th August 1 9 3 8.

Subject:- Lotteries - Holding of - Prevention -

Reference:- G.O.No.993 Law (Genl.,) Dated the 20th March ~~1935~~ 1935.

It has been brought to the notice of the Government that a lottery was conducted with much publicity for about a year without the District Magistrate concerned getting any report about it. The Government consider that the holding of the lottery could not have escaped notice for such a long period if proper vigilance had been exercised. The attention of the Inspector General of Police, District Magistrates and the Commissioner of Police is therefore drawn to the instructions in G.O.No.993 Law (Genl.,) Dated 20th March 1935 and they are requested to see that greater vigilance is exercised in future in regard to lotteries.

H. R. Uzielli,

Secretary to Government.

To the Inspector General of Police.

" Commissioner of Police.

To all District Magistrates.

F o r w a r d e d
(By Order)

Superintendent.

vkr.16.8.

1-

V

GOVERNMENT OF MADRAS

24th April 35

14708D

26/4

Dear Mr. Hood,

Please see the enclosed literature about the "Shanthi Raffle". Don't you agree that we must do something immediately to put down this kind of fraud?

Yours sincerely,

J Manamohan

25 APR 35

Home Department.

A.S.

Under the instructions in G.O. No. 993 Law (General) dated the 28th March 1935, (which lays down the policy of Govt. in regard to lotteries) the organizers of lotteries are liable to prosecution for contravention of the provisions of Sec. 294-A, I.P.C.

(K)

(K) para 2

2. It is seen from the literature

18

1991-16 Cf. at flag B' that the Raffle has been going on for some time past and prizes are to be drawn monthly every month, the ground drawing date being 2.5.38. The total no. of tickets are 94,000. Details of the Prizes are given on f 3 Cf.

2. The Govt. do not authorize the holding of lotteries and have not sanctioned the holding of the Raffle in question No report has been received by Govt regarding this lottery. For orders whether the literature below may be sent to the D. M South Kanara for necessary action and report. Draft sent for consideration.

27.4.38.

S

Encl. to the D. M. South Kanara issued M/47038-1 dated 28.4.38.

(C. 26031 B.) From the D. M. South Kanara Ref. no. C1. 1796-M.38 B/7.6.38

A.C.

Please see the report of the

f 16 Cf. Drawn on 12.4.38 - A on file 3.

f 3 Cf

f 18 Cf.

f 20 Cf.

D. M. South Kanara on page 20 c/. The enquiry held by the Inspector of Police, Koppa in regard to the lottery shows that the lottery was conducted and that it was not authorised by Govt. Drawings were held on not less than 5 occasions within four months from January to May 1938 and no action seems to have been taken by the D. M. with reference to the instructions in para — of G.O. No. 492 Leg. I/20 S.25 Even in his present report on p 20 c/. he has not referred to the question of prosecuting the promoters of the lottery. It is, however, clear that an offence under Sec. 294-A I.P.C. has been committed.

para 2 p 20 c/

Vide p 20 c/

para = p 20 c/

Vide A on p 20 c/

2. The fact that the drawings were presided over by prominent persons, that the public in the area have no complaint and that no swindling has so far been suspected do not seem to constitute a mitigating feature. The point for consideration is whether the question of prosecuting the promoters will be pursued. If so the D. M. may be required to furnish

(K)

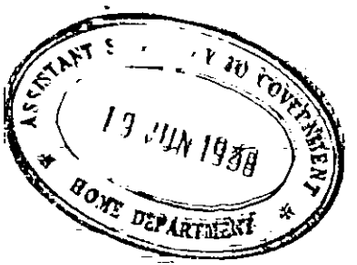
Vide also pp 1-2 of 4683 Home/19.11.37 (Y)

information as to the names of the promoters and whether they kept a house or place within the meaning of part 2 of section 294-A. I.P.C. and also to obtain and forward the opinion of the local Public Prosecutor as to whether a prosecution in the case is likely to be successful. (4708 D)

2. For orders.

14.6.38.

S



Yes. Point out that in this form is not valid warrant for permitting what is otherwise a breach of the C. Law to continue indefinitely.

18.6

A8.

Draft rules.

20.6.38.

Issued memo. to the D.M. South Kanara No. 14708 D.2 dated 21.6.38.

(C 24018 A) From the District Magistrate, S. Kanara

Rej.Cl. No. 2865-H-38 D/ 12.7.1938.

A.S.

Please see the report of the D.M. South Kanara and the opinion of the local Public Prosecutor at pp 24-25 cf

pp 24-25 cf

Lr. 26-29 cf

2. The promoters of the raffle are stated to be (1) Sri Vasudeva Kalkura and (2) Sri H.R. Kamath. These persons are reported to have continued to sell tickets for the raffle in spite of the D.M's orders on 12.6.38 to stop the transaction forthwith. From the Public Prosecutor's opinion, it is seen that the promoters can be successfully prosecuted for offences under Sec. 294-A. of the Indian Penal Code. In his report on pp 24-25 cf. the D.M. has stated that he has issued another warning to the promoters on 30.6.38 and directed the Police to report if they still persisted in drawing the raffle. ~~It is therefore necessary to await further reports in this regard as the offence of drawing an unauthorized lottery has already been committed~~

para 3, p 21 cf

p 26-28 cf

A or p 29 cf

3. For orders whether [Sanction for the prosecution] of the promoters will be accorded P/ Rs,

22 ½

the draft rules is for approval. 14/7/38

28.7.38.

S

Draft for approval

HOME SECRETARY 30 JUL 1938 GOVT OF MADRAS

Draft approved
It is strange that a lottery
run with so much publicity should go on
for one year without the DM. getting
any report about it. I will a
Memo. may be sent to the DMs and
The Police Dept. asking them to be
more vigilant in this matter.

28/7

30/7/38

(C. 2580GD) From the D.M. South Kanara

Rc. C. 2865-H-38 D/ 27-7-1938.

A-5,

Please see the further report from the D.M. South Kanara about the subsequent activities of the promoters of the Shanthi Raffle vide R'on p29 ff. The draft order below may issue & A/c issue action will be taken with Rep. 5

31.7.38 A. abm

(Further C.)

53 41

(B)

(Issued G.O.No. 3793 Home dated the 2nd August 1938)

A.S.

Draft memo. to all D.Ms and the I.G.of Police submitted for approval, with reference to 'A' on page 6 ante.

Draft sent for issue 16/8

8888

14.8.

1528

15.8.38

24

C.F. 16.

Home Department

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	2/8	
When examined ..		
When signed ..		
When despatched.		

SUBJECT:—

Lottery

The Kavitha Kattle, Kuvady, Sulte Kanara Dt. - Persons. Vasudeva Kalkura and H. R. Kamath - Prosecution sanctioned.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____

READ *ALSO*:—

No. 14718 D From the _____, No. _____, dated _____ 19____.

" 20031 D. " S. M. South Kanara Rc. Cl. 1796/H.38 dt. 7.6. 19 38 from.

" 24018 D " _____ Rc/Cl. 2965/H/38 dt. 12.7. 19 38 from.

Order / ~~Resolution~~ Ms. No. 3793, dated 2. 8. 19 38

Whereas information has been received that Messrs Vasudeva Kalkura and H.R. Kamath kept one office in Shantinikethan Hyper Elementary School Building, the ~~Village School Building~~ at Kuvady, Brahmavar in the taluk of Udipi in South Kanara Dt. for the purpose of drawing a lottery not authorised by the Provincial Government and also published proposals relating to the said lottery and thereby committed offences punishable under Section 294-A of the Indian

p29 of
p27 of
p24 of.

Penal Code, the Court of Madras are hereby pleased to order under Sec. 196 of the Code of Criminal Procedure, 1898 (Act V of 1898), that a Complaint be made against the said Vasudeva Kakkaya and H. R. Kamath in respect of the offences punishable under Section 294-A. of the Indian Penal Code.

2. The D.M. South Kanara is directed to arrange for a suitable officer to make a complaint under Sec. 294-A. of the Indian Penal Code against the said Vasudeva Kakkaya and H. R. Kamath.

Issued with Govt Memo 31/8/38

23.7.38

25.7

25.7

To

The D.M. South Kanara (with a copy of para 1 only signed by Secretary and PP 1-16A) &
The I.G. of Police.
The Pub. Prosr. South Kanara
(Four copies to be typed & Secretary's signature)